

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI SOUTHERN DIVISION

AMERICAN FAMILY INSURANCE
COMPANY,

Plaintiff,

v.

GERALD MCLAUGHLIN,

Defendant.

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Case No. 6:20-cv-03081-MDH

JUDGMENT APPROVING WRONGFUL DEATH SETTLEMENT

Before the Court is defendants Diana Roe, Joseph Roe, Ben Roe, and Matt Roe's Petition/Motion for Approval of the Roe Wrongful Death Settlement. Defendants appear by affidavit.

Plaintiff and Defendants agree to waive a jury trial and submit all issues contained within the Petition/Motion for Approval of the Roe Wrongful Death Settlement to the Court, which waiver is expressly approved by the Court. The parties advise the Court that they have, subject to the approval of the Court, agreed to a compromised settlement of any and all claims defendants, or anyone within the class of R.S.Mo. § 537.080.1(1), have or may have against plaintiff as a result of, relating to, or arising out of the death of James Roe, who died as a result of injuries sustained in the March 27, 2019 wreck.

The terms and conditions of the aforesaid settlement are the payment of the total sum of Forty Thousand Dollars (\$40,000), to be paid out of the funds previously interplead by American Family Mutual Insurance Company as set forth in the Order Granting Interpleader (Doc. 55), in exchange for which payment defendants Diana Roe, Joseph Roe, Ben Roe, and Matt Roe shall execute a release which extinguishes any and all claims against plaintiff arising from or in any way connected with the death of James Roe.

The Court finds that the defendants have entered into a contract with their counsel and represent that a fair and reasonable allocation of attorneys' fees and expenses in connection with the wrongful death claim in this matter to date is \$4,268.68, comprised of litigation expenses and costs in the amount of \$268.68, and attorneys' fees in the amount of \$4,000.00.

The Court finds that the Medicare lien in the amount of \$1,126.61 is reasonable and should be paid out of the settlement funds.

The Court further reviews the evidence on the issue of the apportionment of the settlement proceeds, and the affidavits presented, and finds that a fair and reasonable apportionment of the proceeds of this settlement, after deducting attorneys' fees and expense and the Medicare lien, is to distribute the proceeds as follows:

- a. Diana Roe – 100% of net recovery: \$34,604.71;
- b. Joseph Roe – 0% of net recovery: \$0.00;
- c. Ben Roe – 0% of net recovery: \$0.00;
- d. Matt Roe – 0% of net recovery: \$0.00.

WHEREUPON, the Court, having reviewed the evidence, and being fully advised in the premises hereby orders, adjudges and decrees as follows:

- a. That the settlement with plaintiff is fair and reasonable, and approving the settlement of the wrongful death settlement between plaintiff and defendants Diana Roe, Joseph Roe, Ben Roe, and Matt Roe in the total amount of Forty Thousand Dollars (\$40,000), to be paid out of the funds previously interpleaded by American Family Mutual Insurance Company as set forth in the Order Granting Interpleader (Doc. 55), and that said proceeds be apportioned and distributed as follows:

- i. The Clerk of Court shall make a check payable to “Diana Roe” in the amount of \$34,604.71 and send the check to Brad Bradshaw M.D., J.D., L.C., 1736 E. Sunshine, Suite 600, Springfield, MO 65804;
 - ii. The Clerk of Court shall make a check payable to “Discovery Health Partners” in the amount of \$1,126.61 and send the check to Brad Bradshaw M.D., J.D., L.C., 1736 E. Sunshine, Suite 600, Springfield, MO 65804; and
 - iii. The Clerk of Court shall make a check payable to “Brad Bradshaw M.D., J.D., L.C.” in the amount of \$4,268.68 and send the check to Brad Bradshaw M.D., J.D., L.C., 1736 E. Sunshine, Suite 600, Springfield, MO 65804.
- b. That defendants shall execute a Release in favor of plaintiff releasing it from any and all claims, actions, suits and liability arising from, connected with, or in any way related to the occurrence that is the subject of this action, in accordance with the settlement herein.
- c. That a Judgment be entered approving the settlement of the wrongful death claim, at each parties’ own costs.
- d. That defendants and defendants’ counsel collect and acknowledge receipt for the payment of the settlement sum.
- e. That the defendants and defendants’ counsel acknowledge satisfaction of the settlement.

IT IS SO ORDERED.

Dated: December 1, 2022

/sDouglas Harpool
DOUGLAS HARPOOL
United States District Judge